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EXAMINER	
REYES, REGINALD R	

ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/681,954	KALIES, RALPH F.	
	Examiner	Art Unit	
	REGINALD REYES	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,15 and 16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 , 15-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This office action is made Final. Claims 1-10 and newly added claims 15-16, have been examined and are addressed below. Claims 11-14 have been cancelled.

Response to Amendments

2. The rejection of claim 1-10 under 35 USC 101 is withdrawn in light of Applicant's amendment of the claim.

3. The rejection of claim 2 under 35 USC § 112 second paragraph is withdrawn in light of Applicant's amendment of the claim.

4. The rejection of claim 10 under 35 USC § 112 second paragraph is maintained Applicant's amendment is not sufficient to overcome the rejection. Applicant did not explain how the applicant can check the data before obtaining it.

5. The applicant's amendments have been reviewed and fully considered but are moot in view of the new grounds of rejection. With respect to claims 1-3, 9, 11, 20, 22, 28, 51-52, 63, Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as how the applicant can check the data before obtaining it.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 1-10, 15-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Donoho et al (U.S. 7,346,655) in view of Schoenberg (U.S. 6,463,417).

8. With respect to claim 1, Donoho teaches a method for storing and reporting pharmacy data, comprising the steps of: generating by a plurality of pharmacies (see for example Donoho column 53 lines 4-6 and column 92 lines 25-39), each of the pharmacies operating within a managed care organization, electronic pharmacy data comprising medical, financial and transactional information related to pharmaceutical transactions (see for example Donoho column 53 lines 4-6 and column 92 lines 25-39). Donoho teaches providing the report to the requestor (see for example Donoho column 53 lines 5-6 and column 53 lines 17-20). Donoho teaches receiving over a network, by

a processing center of the managed care organization, a data transfer request to transfer respective electronic pharmacy data from at least one of the plurality of pharmacies (see for example Donoho column 53 lines 4-6 and column 92 lines 25-39). Donoho does not teach providing first access security by the processing center in response to the data transfer request, wherein the first access security includes checking credentials defined by the processing center and submitted for authorization by the at least one pharmacy; providing second access security by the processing center in case the at least one pharmacy passes the first access security, wherein the second access security includes, prior to accepting the respective electronic pharmacy data by the processing center, checking whether the respective electronic pharmacy data meet at least one predefined validity requirement defined by the processing center ; receiving, by the processing center, a transfer of the respective electronic pharmacy data pursuant to compliance with the second access security ; processing, organizing and structuring the electronic pharmacy data by the processing center to format the electronic pharmacy data in accordance with at least one of a predetermined protocol and format; storing the processed electronic pharmacy data in a data warehouse; storing subsets of the processed electronic pharmacy data in a data mart, the subsets being adapted to meet specific demands of particular requestors in terms of analysis, content, presentation and ease of use thereby to allow preparation of predetermined sets of reports pertinent to the particular requestors; receiving by the processing center a data request from a data requestor to obtain at least a portion of the processed electronic pharmacy data, the data requestor having a privilege level identifying the type

of data available to the requestor; providing third access security by the processing center in response to the data request, wherein the third access security includes checking credentials defined by the processing center and submitted for authorization by the data requestor; providing fourth access security by the processing center in case the data requestor passes the third access security, wherein the fourth access security includes checking whether requested electronic pharmacy data is consistent with the scope of the privilege level of the data requestor; formatting the portion of the electronic pharmacy data requested by the data requestor into a report pursuant to compliance with the fourth access security, the portion of the electronic pharmacy data for the report being developed from the data in the data warehouse or the subsets of the data in the data mart. Schoenberg teaches providing first access security by the processing center in response to the data transfer request, wherein the first access security includes checking credentials defined by the processing center and submitted for authorization (see for example Schoenberg column 6 lines 26-50 and Fig. 3); providing second access security by the processing center in case the it passes the first access security, wherein the second access security includes, prior to accepting the respective data by the processing center, checking whether the respective electronic pharmacy data meet at least one predefined validity requirement defined by the processing center (see for example Schoenberg column 6 lines 26-50 and Fig. 3); receiving, by the processing center, a transfer of the respective electronic pursuant to compliance with the second access security ; processing, organizing and structuring the data by the processing center to format the electronic pharmacy data in accordance with at least

one of a predetermined protocol and format; storing the processed electronic pharmacy data in a data warehouse (see for example Schoenberg column 6 lines 26-50 and Fig. 3); storing subsets of the processed electronic pharmacy data in a data mart, the subsets being adapted to meet specific demands of particular requestors in terms of analysis, content, presentation and ease of use thereby to allow preparation of predetermined sets of reports pertinent to the particular requestors (see for example Schoenberg column 2 lines 40-62 and column 6 lines 26-50 and Fig. 3); receiving by the processing center a data request from a data requestor to obtain at least a portion of the processed data, the data requestor having a privilege level identifying the type of data available to the requestor; providing third access security by the processing center in response to the data request, wherein the third access security includes checking credentials defined by the processing center and submitted for authorization by the data requestor (see for example Schoenberg column 6 lines 26-50); providing fourth access security by the processing center in case the data requestor passes the third access security, wherein the fourth access security includes checking whether requested data is consistent with the scope of the privilege level of the data requestor (see for example Schoenberg column 6 lines 26-50 and Fig. 3); formatting the portion of the electronic pharmacy data requested by the data requestor into a report pursuant to compliance with the fourth access security, the portion of the data for the report being developed from the data in the data warehouse or the subsets of the data in the data mart (see for example Schoenberg column 6 lines 26-50). One of ordinary skill in the art at the time of invention would have found it obvious to combine the method of storing and reporting

pharmacy data as taught by Donoho with the hierarchy of secured data access taught by Schoenberg with the motivation to distribute medical information in which the medical care provider or pharmacy has quick access to a patient's medical record, but only to the information within the medical record that is necessary for the proper treatment of the patient at the time.

9. Referring to Claim 2, Donoho in view of Schoenberg teaches the method of claim 1, further comprising the steps of: encrypting by the respective plurality of pharmacies the pharmacy data before transferring the electronic pharmacy data to the processing center (see for example Donoho column 53 lines 55-58); decrypting the electronic pharmacy data by the processing center after obtaining it the electronic pharmacy data is received (see for example Donoho column 53 lines 61-62).

10. Referring to Claim 3, Donoho in view of Schoenberg teaches the method of claim 1 wherein the electronic pharmacy data are obtained by means of received via an electronic communications network (see for example Donoho column 57 lines 46-47).

11. Referring to Claim 4, Donoho in view of Schoenberg teaches the method of claim 3 wherein the requestor requests and receives the report by means of an electronic communications network (see for example Donoho column 14 lines 15-21 and Fig. 21).

12. Referring to Claim 5, Donoho in view of Schoenberg teaches the method of claim 4 wherein the electronic communications network is an intranet (see for example Donoho column 8 lines 2-9).

13. Referring to Claim 6, Donoho in view of Schoenberg teaches the method of claim 4 wherein the electronic communications network is the internet (see for example Donoho column 8 lines 2-9).

14. Referring to Claim 7, Donoho in view of Schoenberg teaches the method of claim 1, wherein the requestor is selectively allowed access to a greater or lesser portion of the electronic pharmacy data based upon predetermined criteria (see for example Donoho column 18 lines 23-39).

15. Referring to Claim 8, Donoho in view of Schoenberg teaches the method of claim 1, further comprising the step of checking by the processing center the electronic pharmacy data for defects before storing it (see for example Donoho column 42 lines 27-35).

16. Referring to Claim 9, Donoho in view of Schoenberg teaches the method of claim 1, further comprising the step of encrypting the report by the processing center before sending it to the requestor (see for example Donoho column 19 lines 66-67 and column 20 lines 1-6).

17. Referring to Claim 10, Donoho in view of Schoenberg teaches the method of claim 1, further comprising the step of checking the electronic .pharmacy data before obtaining it (see for example Donoho column 93 lines 20-25).

18. Referring to Claim 15, Donoho in view of Schoenberg teaches the method of claim 1, wherein the report represents financial performance by an individual pharmacy, financial performance by a plurality of pharmacies, or a medication review (see for example Donoho column 53 lines 5-6 and column 53 lines 17-20).

19. Referring to Claim 16 Donoho in view of Schoenberg teaches the method of claim 1, wherein the processing center formats the electronic pharmacy data or the report to comply with HIPAA (see for example Donoho column 53 lines 5-6 and column 53 lines 17-20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 7,401,027 teaches methods for collecting fees for healthcare management group.

U.S. Patent No. 7,398,217 teaches methods and systems for healthcare practice management.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD REYES whose telephone number is (571)270-5212. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. R./

Examiner, Art Unit 3626

/C. Luke Gilligan/

Supervisory Patent Examiner, Art Unit 3626